

REMARKS

The interview conducted between Examiner Michael Brown and attorney, E. Bradley Gould, on October 18, 2005 is sincerely appreciated. The comments herein reflect the discussion during the interview.

Claims 12-13 and 18-31 appear in this application for the Examiner's review and consideration. The indication of allowable subject matter in claims 26 and 27, and the allowance of claims 12 and 13 are also appreciated. Claims 18-28 have been amended to depend from claim 29, and the dependency of claim 21 has been corrected to provide antecedent basis for its terms.

As discussed during the interview, claim 17 has been newly cancelled without prejudice, and its recitations have been added to claim 29. It is noted that the claim 17 recitations relating to the arrangement of the inner and outer parts of the fixture have not been repeated in claim 29, since they would have been redundant with the language already present in the method steps of claim 29. Additionally as explained in the interview, the previous version of claim 29 included a typographical error. The discussion in the Remarks section of the Amendment of November 5, 2004, in which claim 29 was added, explains that claim 19 is dependent on claim 17, although the text of claim 29 erroneously appeared to be dependent on claim 18. The incorporation of the claim 17 recitations into claim 29 corrects this error. No new issues or matter have been introduced by the present amendment.

In the Office Action, claim 29 was rejected, along with claims 19, 30, and 31, under 35 U.S.C. § 103(a) as obvious over Coffey in view of Dubrowski. As agreed during the interview, the references of record do not teach or suggest the invention of claim 29.

Specifically, claim 29 is directed to a method of treating an ear deformation by applying a fixture to the back of the ear. An inner side of an inner part of the fixture is stuck to an inner fold part of the back of the ear, and an inner side of an outer part of the fixture is arranged to be stuck to an outer fold part of the back of the ear. With the fixture applied to the back of the ear in this manner, outer sides of the inner and outer parts of the fixture are arranged to be stuck together to form a fold in a zone of the ear that has a permanent deformation, so that said inner and outer parts are kept fixed in folded position to correct the deformation. An exemplary fold to be made in an ear with a deformation is an anthelix, shown in Fig. 2.

None of the cited references teach a method of forming a fold in a zone of an ear that has a permanent deformation or even of sticking a fixture to the back of the ear so that this fold can be obtained to correct the permanent deformation. Coffey teaches a device that flattens a protruding ear by sticking the ear to the side of the user's head. One pad 10 is adhered to the head, while the other pad 12 is adhered to the ear. The adhesive 16 on the inner sides of the pads is already adhered to block 14, and there is no teaching or suggestion of how this device could be used to stick to the back of the ear and then to itself to form a fold in the ear.

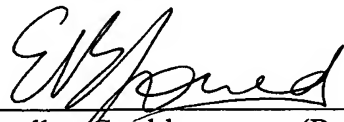
Dubrowski achieves a similar effect to Coffey by clipping the ear auricle to a user's hair, thus flattening the ear to the side of the head. (Dubrowski 2:24-25.) Furthermore, all of the normal folds of a normal ear are already present in the ear that Dubrowski envisions for clipping its device to, as clearly seen in Fig. 2, and the clip 1 even relies on these folds to mount to the ear. Thus, Dubrowski does not remedy the deficiencies of Coffey.

The Godley reference, which was used in the rejection of claim 24, was also discussed during the interview. This reference discloses treating a hematoma, and is placed around the back and front of the ear. It does not teach or suggest forming a fold in a deformed ear zone or even sticking two parts of a fixture to the back of the ear to stick to each other. Thus, this reference also does not remedy the deficiencies of the other references.

Consequently, claim 29 and the claims dependent thereon are patentably distinct from the references of record, as agreed during the interview, and it is thus believed that the entire application is now in condition for allowance, early notice of which would be appreciated. Should the Examiner not agree, then a personal or telephonic interview is respectfully requested to discuss any remaining issues in an effort to expedite the allowance of this application.

Respectfully submitted,

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